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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,938	12/12/2001	John Marshall Armstrong		3984

7590
Marshall Armstrong
367 Mill Stream Rd.
Lexington, SC 29072

08/12/2005

EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,938

Applicant(s)

ARMSTRONG ET AL.

Examiner

Alex P. Rada

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the Non-Responsive amendment filed March 28, 2005 in which the applicant submits a substitute specification, cancels claim 1, amends claims 2-3, and claims 2-3 are pending in this office action.

Specification

1. The amendment filed March 28, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The description on page 8, paragraphs 4-5 to the specification are not supported by the original disclosure, and the subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention but not to introduce new matter. The examiner notes that drawings submitted after the filing date of the application may not be used to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim (37 CFR § 1.81). Applicant is required to cancel the new matter in the reply to this Office Action.
2. The disclosure is objected to because of the following informalities: The figures numbers noted in the substituted specification must be deleted from the specification and the descriptions under the heading Brief description of the several view of the drawing must all be deleted and not withdrawn. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification does not disclose a stand alone, non-integrated electronic redemption bingo machine. The original specification discloses alterations to an electronic redemption pinball machine. The examiner requests applicant to point in the original disclosure the stand alone, non-integrated electronic redemption bingo machine. The original disclosure does not disclose having an additional microprocessor. The examiner request applicant to point in the original disclosure of an additional microprocessor. The original disclosure does not disclose the separation of credits being introduced by a monetary input device and the credits earned by game play. The examiner requests applicant to point in the original disclosure the separation of credits being introduced by a monetary input device and the credits earned by game play.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2 and 3 are rejected as best understood by the examiner under 35 U.S.C. 103(a) as being unpatentable over Burnside (US 4,017,077) in view of Kotoyori (US 4,367,876) and LeStrange (5,407,079).

6. Burnside discloses an electronic redemption bingo machine (figures 1 and 2). Burnside does not expressly disclose electronic control flipper mechanism, an additional microprocessor allowing the operator to select either the separation of credits entered and credits earned or the combination of credits entered and credits earned during play of the game, and a security box for a dollar bill validator and electronic printer as recited in claims 2 and 3.

Kotoyori teaches a control flipper mechanism for a gaming machine. By having flippers on a gaming machine, one of ordinary skill in the art would provide better playing for a game player.

LeStrange teaches separating deposited credits from earned credits or the combination of both, and a security box for a dollar bill validator and a printer (figure 2 and summary). By having separate credits for deposited and earned together or separate, one of ordinary skill in the art would provide for accurate account information for a game.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Burnside to include electronic control flipper mechanism, an additional microprocessor allowing the operator to select either the separation of credits entered and credits earned or the combination of credits entered and credits earned during play of the game, and a security box for a dollar bill validator and electronic printer as taught by Kotoyori and LeStrange to provide an accurate accounting system to any gaming system.

Response to Arguments

7. Applicant's arguments filed March 28, 2005 have been fully considered but they are not persuasive.

Applicants contend that Burnside is not designed to reward individuals with any form of reward for play of a device in any manner other than achieving a relative score.

The examiner agrees with applicant that Burnside is not designed to reward individuals with any form of reward, however Kotoyori and LeStrange were cited to treat the deficiency in Burnside as noted above.

Applicants contend that LeStrange does not disclose or envision concepts described herein whereby individuals using the invention described herein would be permitted to not simply distinguish between monetary inputs and rewards to individuals playing a device, but to separate the credits inserted through monetary input from credits issued to an individual player as a reward for successful play of a device.

The examiner disagrees because LeStrange does teach the claimed subject matter of the separation of credits introduced and the credits earned or the combination of both (summary and figure 2). LeStrange teaches game credit purchased by the player (credits introduce) the game wins (48) issued to the player (credits earned). By having separate credits for deposited and earned together or separate, one of ordinary skill in the art would provide for accurate account information for a game.

Conclusion

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of

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record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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